

Law Office of Robert T. Bean
3033 Brighton 3rd Street
Brooklyn, New York 11235
718-616-1414

Cell Phone: 484-838-9464

E-Mail: RBeanlaw@aol.com

Fax: 718-368-0981

Of Counsel for
Tanya Gendelman, P. C.

7-13-15

Via ECF

Hon. A. Kathleen Tomlinson
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-9014

Letter Motion to Compel Discovery
Re: Weinstein v. Krumpeter et al
Docket No.: CV 14-7210 (ADS) (AKT)

Dear Judge Tomlinson,

Plaintiff, by this Letter Motion, pursuant to your Rule III A. 1, moves under F.R.Civ.P. 37 to compel discovery in this matter. On May 1, 2015 Plaintiff served upon the attorney for Defendants, his Request for Production of Documents, annexed hereto as **Exhibit "1"**. The deadline for response to the First Request for Production of Documents was June 26, 2015 as set forth in the Court's Scheduling Order (Doc. 21). When no response was received counsel for Plaintiff contacted defense counsel by letter dated June 30, 2015 (annexed hereto as **Exhibit "2"**). On that date, a telephone conference was held, in compliance with Local Civil Rule 26.5, wherein Mr. Reissman, counsel for Defendants represented to me that responses would be forthcoming shortly. As of this date no such responses or objections have been received.

All of the documents requested are relevant to the issues this case:

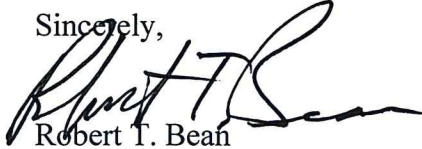
Requests 1 – 10 concern facts specific to the confiscation of Plaintiff's firearms. Requests 11- 16 concern the county's compliance with the *Razzano* decision in providing prompt post deprivation hearings before an impartial decision maker in these types of confiscations. Request 17 – 19 concern policy considerations of the county relevant to Plaintiff's *Monel* claim and the training provided to officers with regard to the constitutional rights of Plaintiff and other similarly situated gun owners.

Plaintiff cannot respond to objections not yet made and a reply letter is not allowed by your rules, so any objections to Plaintiff's Request should be deemed waived.

In addition to the above failure to provide discovery in violation of this Court's Scheduling Order, no Confidentially Agreement nor agreement regarding the production of Electronically Stored Information has been filed with this Court. The deadline there for was May 29, 2015 as set forth in Conference Order (Doc. 20) paragraphs 3 and 4. I contacted Mr. Reissman by phone and e-mails on a number of occasions to get this done. Copies of e-mails attached hereto as **Exhibit "3"**. I reiterated same in the attached **Exhibit "1"**. Mr. Riessman represented that he would get back with me on said matters but as of this date has failed to do so. There is not much more I can do to get Mr. Reissman to enter into such agreements.

The above discovery is necessary before depositions are commenced. I am asking for an Order compelling discovery and for any sanctions this Court may deem appropriate under Rule 37.

Sincerely,



Robert T. Bean

Via E-Mail and ECF

Carnell T. Foskey
Nassau County Attorney
Attn. Ralph Reissman
Deputy Nassau County Attorney
One West Street
Mineola, New York 11566